

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CASE NO. 3:16CV72

United States of America

v.

Approximately \$49,849.02 in funds seized
from Bank of America Account
XXXXXXXXXX8617, such account held in the
name of Norrab Enterprises LLC DBA Five
Four Auto, et. al.

**CONSENT ORDER FOR
THIRD PARTY PETITIONS**

THIS MATTER is before the Court pursuant to 18 U.S.C. § 983(d) and Federal Rules of Civil Procedure, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Rule G, and by consent of the United States of America, by and through Jill Westmoreland Rose, United States Attorney for the Western District of North Carolina; Petitioner Pawnee Leasing Corporation (“Pawnee”), through counsel; and Petitioner Pentagon Federal Credit Union (“Pentagon FCU”), through counsel (collectively, “Petitioners”). The Government and Petitioners have consented to this Consent Order for Third Party Petitions as a final adjudication and settlement of all matters between Petitioners and the Government with regard to the following property identified in the Complaint for Forfeiture *In Rem* (“the Properties”):

**Approximately \$49,849.02 in funds seized from Bank of America Account
XXXXXXXXXX8617, such account held in the name of Norrab Enterprises
LLC DBA Five Four Auto (“Five Four BofA Account 8617 Funds”);**

Approximately \$5,559 in United States Currency seized during a search of 12512 Cumberland Crest Dr., Huntersville, North Carolina (“the Currency”); and

Two United States Postal Service Money Orders, in the amount of \$550 each, seized during a search of 12512 Cumberland Crest Dr., Huntersville, North Carolina (“the Money Orders”).

The parties have **STIPULATED AND AGREED** and the **COURT FINDS AS FOLLOWS:**

1. Petitioners have filed Petitions and provided documentation to the Government that Pentagon FCU was misled into providing funds to Stanley Barron and/or the entities that he controlled as identified in the Complaint and the funds that Pentagon FCU provided are traceable to one or more of the Properties and Pawnee obtained a judgment and executed a levy related to one or more of the Properties prior to seizure of properties for forfeiture in this case. Thus, the parties agree that, for purposes of this Consent Order, Petitioners satisfy 18 U.S.C. § 983(d).

2. By entering into this Consent Order, the Government agrees to, at the conclusion of this case upon Final Order, release the Five Four BofA Account 8617 Funds in equal shares to Petitioners, with payment of \$24,924.51 to Pawnee and \$24,924.51 to Pentagon FCU. Petitioners, in-turn, release any claim to or right to claim in this case the Currency and Money Orders identified for forfeiture. Petitioners further agree to a Final Order forfeiting the Currency and Money Orders to the United States.

3. The payments to Petitioners shall be in full settlement and satisfaction of all claims by Petitioners to the Properties. Petitioners understand and agree that the United States reserves the right to terminate the forfeiture action at any time. The

Government and Petitioners waive any rights to further litigate between each other in this forfeiture action to the Properties and agree that this Consent Order for Third Party Petitions shall be in full settlement and satisfaction of all claims between Petitioners and the Government in this action to the Properties and all claims between Petitioners and the Government resulting from the incidents or circumstances giving rise to the forfeiture of the Properties. Unless specifically directed by an order of the Court, Petitioners shall be excused and relieved from further participation in this action.

IT IS THEREFORE ORDERED THAT:

1. Based upon the stipulations of the parties herein that Petitioners satisfy one or more prongs of 18 U.S.C. § 983(d), the Government is hereby ordered to, upon issuance of a Final Order in this case, disburse \$24,924.51 of the Five Four BofA Account 8617 Funds to Pawnee and \$24,924.51 of the Five Four BofA Account 8617 Funds to Pentagon FCU.
2. The Government and Petitioner shall bear their own costs, including attorneys' fees.

Signed: June 30, 2016



Graham C. Mullen
United States District Judge



ON MOTION OF AND BY CONSENT OF THE PARTIES:

**JILL WESTMORELAND ROSE
UNITED STATES ATTORNEY**

Benjamin Bain-Creed
Assistant United States Attorney

Dated:_____

PAWNEE LEASING CORPORATION

Kenny Fitzgerald
Senior Litigation Coordinator, Pawnee Leasing Corp.
Authorized signatory for Pawnee Leasing Corp.

Dated:_____

C.O. (Ladd) Ackerman, Jr., Esq.
Attorney for Pawnee Leasing Corp.

Dated:_____

PENTAGON FEDERAL CREDIT UNION

William D. Heyer, Esq.
Assistant General Counsel, Pentagon Federal Credit Union
Authorized signatory for Pentagon Federal Credit Union

Dated:_____

Franklin Drake, Esq.
Attorney for Pentagon Federal Credit Union

Dated:_____